

# MMP&S

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April 12, 2010

### **BY ELECTRONIC MAIL**

The Hon. Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: **In re MTBE Litigation, MDL 1358**

*West Hempstead Water District v. AGIP Inc., et al.*, No. 03 CV 10052

*Village of Hempstead v. AGIP Inc., et al.*, No. 03 CV 10055

*Village of Mineola v. AGIP Inc., et al.*, No. 03 CV 10051

*Carle Place Water District v. AGIP Inc., et al.*, No. 03 CV 10053

*Town of Southampton v. AGIP Inc., et al.*, No. 03 CV 10054

*Town of East Hampton v. AGIP Inc., et al.*, No. 03 CV 10056

*Westbury Water District v. AGIP Inc., et al.*, No. 03 CV 10057

MMPS File No.: 0067-2910

Dear Judge Scheindlin:

This office represents Defendant Bartco Corp. ("Bartco") in connection with the above referenced matters. As you are aware, your Honor has directed Bartco to file any dispositive motions in the *West Hempstead Water District v. AGIP Inc., et al.*, No. 03 CV 10052 and *Village of Hempstead v. AGIP Inc., et al.*, No. 03 CV 10055 (the "Hempstead Actions") by April 15, 2010 (the "Motion Deadline").

Please be advised that Bartco and Plaintiffs, on April 7, 2010, reached an agreement, in principal, to settle all lawsuits commenced in Federal and State Court against Bartco concerning the alleged methyl tertiary butyl ether contamination of Long Island's drinking water (the "MTBE Litigation"). Specifically, the parties have agreed upon a monetary settlement to the MTBE Litigation and are in the process of finalizing the terms of the requisite settlement papers (the "Settlement Terms"). Accordingly, and in the interests of judicial economy, Bartco respectfully requests a thirty (30) day adjournment of the Motion Deadline so that: 1) settlement

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can be effectuated; and/or 2) in the event the parties cannot agree upon the Settlement Terms, Bartco can file the appropriate dispositive motion.

Thank you for your time and consideration in this matter.

Very truly yours,

*Christopher A. Albanese*

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CAA/nd

cc: All counsel of record via the Court's ECF System